

ORDINANCE NO.

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF AN AMENDMENT TO THE JOINT DEVELOPMENT AGREEMENT BETWEEN THE WALLER CREEK CONSERVANCY, THE CITY OF AUSTIN AND THE WALLER CREEK LOCAL GOVERNMENT CORPORATION; APPROVING THE AMENDED DESIGN PLAN FOR THE DISTRICT; AND WAIVING CERTAIN CODE PROVISIONS IN FURTHERANCE OF THE AGREEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings. The city council finds that:

- (A) The area of the City referred to as the Waller Creek District is a prominent geographic feature that helped to shape the historical evolution of the City.
- (B) The City has constructed a flood control tunnel along Waller Creek to remove 28 acres of property from the 100-year flood plain and facilitate the enhancement and revitalization of the Waller Creek District and the surrounding area.
- (C) The Waller Creek Conservancy is a 501(c)(3) entity formed in 2010 to facilitate and aide the City in the City's enhancement and development of the Waller Creek District by raising private funds to defray the costs of amenities and to eventually assist in operating and managing the chain of parks and other facilities in the Waller Creek District.
- (D) In cooperation together, the Waller Creek Conservancy and the City created and processed an international design competition for the Waller Creek District.
- (E) After Council approved the design for the Waller Creek District, Council approved a Waller Creek District Joint Design, Development, Management and Operation Agreement and related documents between the City of Austin, Waller Creek Conservancy, and the Waller Creek Local Government Corporation concerning the revitalization of the Waller Creek District (Agreements) between the Waller Creek Conservancy, the City, and the Waller Creek Local Government Corporation.
- (F) Pursuant to the Agreements, the parties have worked together to design and begin building some of the improvements envisioned in the approved design.
- (G) In furtherance of the Agreements, Council is extending the Waller Creek Tax Increment Reinvestment Zone No. 17 (TIRZ) in time to provide funding for the

parcs and other City infrastructure needed to complete the designed improvements. This additional source of funds requires amendments to the Agreements to reflect the new funding sources, to align the roles and responsibilities of the parties appropriately, and to improve the process for implementing the design.

- (H) In furtherance of the Agreements, Council is also approving an amendment to the Design to reflect refinements that provide more accessible amenities for the park users and that improve the function of the performance space for events within the parks.

PART 2. Recognizing that the Waller Creek Conservancy is seeking philanthropic contributions for the amenities and operations of the District, Council authorizes the Conservancy to place plaques recognizing donors on features and on new facilities within the District. To the extent necessary to further this authority, Council waives City Code Article 4 (*Approval of a Name for a Public Facility or Property*) with respect to un-named features and new facilities within the District. The Conservancy will ensure that any names to be placed on features and new facilities are in compliance with the requirement of City Code Subsection (E) of City Code Section 14-1-32 (*Naming Policy*). All names must be consistent with Austin values as previously directed by Council.

PART 3. The City Manager is authorized to negotiate and execute an amendment to Waller Creek District Joint Design, Development, Management and Operation Agreement and related documents between the City of Austin, Waller Creek Conservancy, and the Waller Creek Local Government Corporation concerning the revitalization of the Waller Creek District, including all terms and conditions deemed necessary, advisable or required by the City Manager or City Attorney.

PART 4. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2018

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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

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